

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SOUTHWEST AIRLINES PILOTS
ASSOCIATION,

Plaintiff,

v.

SOUTHWEST AIRLINES CO.,

Defendant.

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Civil Action No. 3:21-cv-02608-M

MEMORANDUM OPINION AND ORDER

Before the Court is Southwest Airlines Co.'s Motion to Dismiss. ECF No. 40. Because the Court still lacks subject matter jurisdiction, the Motion to Dismiss is **GRANTED**.

On September 27, 2022, the Court dismissed Plaintiff's Amended Complaint, finding it alleged a minor dispute and did not sufficiently plead anti-union animus, depriving the Court of subject matter jurisdiction. ECF No. 34. The Court allowed Plaintiff to file an amended complaint, which it did, and the Third Amended Complaint is now before the Court. ECF No. 35.

The Third Amended Complaint adds facts and allegations related to a September 16, 2022, email from Captain Chris Meehan, the Senior Director of Training and Standards of Southwest Airlines, to Captain Timothy Roebing, which reads as follows:

Captain Roebing,

Thank you for your interest in becoming a Check Pilot. To be eligible for the Check Pilot position, candidates must demonstrate a practice of adhering to the Company's workplace expectations, which include treating others with respect and civility. We previously counseled you that your recurrent unprofessional behavior did not meet those expectations. Consequently, your qualifications to be a Check Pilot were removed in March 2021. Since that time, you have not demonstrated a willingness to change your behavior to meet expectations. Instead, you have

contested our determination and publicly stated that you did nothing to warrant the removal of your qualifications. As a result, we cannot move your application forward to the interview stage because you do not currently meet the qualifications to be a Check Pilot.

Please contact me if you would like to discuss this determination further and what steps you need to take to be eligible for a Check Pilot position in the future.

The email does not transform this dispute from a minor to major dispute for the same reasons set out in the Court's September 27, 2022, Order. *See, e.g.*, ECF No. 34 at 14–17. The suit still relates to Southwest's selection, discipline, and revocation of the status of Check Pilots, and requires interpretation of the collective bargaining agreement.

The email does not reflect such anti-union animus as would alter the conclusion that the Court does not have subject matter jurisdiction. *Id.* at 17–21. Roebing was not an active union participant, officer, or committee member in September 2022. The Third Amended Complaint does not sufficiently connect the denial of his application for Check Pilot to any union activity on Roebing's part.

This case is **DISMISSED WITH PREJUDICE**.

SO ORDERED this 18th day of September 2023.


BARBARA M. G. LYNN
SENIOR UNITED STATES DISTRICT JUDGE